

Application No.: 10/693,642Docket No.: 200313710US (1509-462)**REMARKS**

Claims 17-19 are amended to overcome the rejection against them based on 35 USC 101. Memory devices and/or storage media are articles of manufacture.

Claims 2 and 7 are amended to overcome the rejection based on lack of antecedent basis. Claim 6 has been amended to eliminate the words "or similar" while retaining the possibility of covering protocols for the MPLS in addition to CR-LDP and RSVP-TE. Claims 11-13 have been amended to indicate the networks include plural coupled computer arrangements and a program. Otherwise, the rejection under 35 USC 112, paragraph 2 is traversed.

Throughout the Office Action, the claims have been rejected because acronyms that are defined in the specification have been used. The acronyms SCSI, MPLS, mSCSI, PDU and iSCSI are respectively defined in the specification of the published application in paragraphs 0005, 0005, 0060, 0064 and 0008. Because of these definitions, one of ordinary skill in the art is able to understand the meanings of these acronyms. As pointed out in MPEP 2173, the primary purpose of 35 USC 112, paragraph 2, is to ensure that the scope of the claims is clear so the public is informed of the boundaries of what constitutes infringement of the patent. A secondary purpose is to provide a clear measure of what applicants regard as the invention so that it can be determined whether the claimed invention meets all the criteria for patentability and whether the specification meets the criteria of 35 USC 112, first paragraph, with respect to the claimed invention. MPEP 2173.02 states:

The examiner's focus during examination of claims for compliance with the requirement for definiteness of 35 USC 112, second paragraph, is whether the claim meets the threshold requirements of clarity and precisions, not whether more suitable language or modes of expression are available.

The Examiner is requested to indicate why applicant's inclusion of acronyms fails to satisfy Section 2173, bearing in mind the statements in Section 2173.02.

Application No.: 10/693,642**Docket No.: 200313710US (1509-462)**

The CR-LDP and RSVP-TE protocols specified in claim 6 are well known to those of ordinary skill in the protocol art; see the paragraph at the top of page 3 of Exhibit 1, a copy of an article about the Router Tester 900 in the Internet at <http://products.commerce-guide.com/development/dm/1012584956.html>. Consequently, the requirements of 35 USC 112, paragraph 2 are met. See MPEP 2173.

The rejections of claims 1, 3, 7 and 8 ask what a "forward equivalent class" (sic) is. These claims refer to a "forward equivalence class," a term defined in paragraph 0053 of the published application as a policy for assigning labels. The rejections of these claims ask "what is the purpose of assigning the iSCSI protocol unit to a forward equivalent class?" The Examiner is reminded that a method claim defines the steps of a process; it need not state the purpose of any step. Consequently, the question in the Office Action asking for the purpose of the assignment has no bearing on a rejection based on 35 USC 112, paragraph 2. The public is informed of the boundaries of the assigning step without knowing the purpose of the assigning step.

The rejection of claims 11-13 because these claims do not define any programming and data processor is incorrect. The limitation "one or more host computers" defines a structure enabling the public to be informed of the boundaries of the structure of the claim. In *Corning Glass Works v. Sumitomo Electric U.S.A., Inc.*, 868 F.2d 1251, 9 USPQ.2d 1962 (Fed. Cir. 1989) the Court ruled the term "optical waveguide" in the claim preamble was a structural limitation. Similarly, "one or more host computers" in claims 14-16 is a structural limitation and there is no need to recite a program or data processor.

The rejection of claims 17-19 incorrectly states it is necessary to recite a data processor in combination with a memory to comply with 35 USC 112, second paragraph. Certainly a member of the public is able to determine if a memory device and/or storage medium it is making or plans to make infringes or will infringe any of claims 17-19.

Allowance or issuance of an action dealing with substantive prior art issues is in order.

Application No.: 10/693,642


Docket No.: 200313710US (1509-462)

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

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